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In re Application of
Dennis E. Parham
Application No.: 10/705,666
Filing Date: November 10, 2003
Attorney Docket No. 10/705,666

ON PETITION

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OFFICE OF PETITIONS

This is a decision on the "Renewed Petition for Reconsideration" filed March 31, 2008, which will be treated as a petition under 37 CFR 1.183 to waive the requirements of 37 CFR 1.175.

The petition is **granted**.

Petitioner requests that the supplemental reissue declaration be accepted without the signature of inventor Dennis E. Parham, as inventor Parham is refusing to sign the declaration. It is noted, that in this case, 37 CFR 1.175 requires the filing of a supplemental reissue declaration signed by all named inventors, yet petitioner has demonstrated that inventor Parham refuses to sign the supplemental reissue declaration. In such a case, Section 1414.01 of the *Manual of Patent Examining Procedure* (MPEP) provides that:

[if] a joint inventor refuses or cannot be found or reached to sign a supplemental oath/declaration, a supplemental oath/declaration listing all the inventors, and signed by all the available inventors may be filed provided it is accompanied by a petition under 37 CFR 1.183 along with the petition fee, requesting waiver of the signature requirement of the non-signing inventor.

Accordingly, the instant petition will be treated as petition under 37 CFR 1.183 to waive the requirement of 37 CFR 1.175 so as to accept the supplemental reissue declaration filed April 23, 2007, without the signature of inventor Parham. The petition is granted, the requirement of 37 CFR 1.175 that all named inventors execute the supplemental reissue declaration is suspended, and the supplemental reissue declaration executed by the assignee of record is acknowledged.

The certificate under 37 CFR 3.73(b) filed March 31, 2008, is noted.

The application file will be forwarded to Technology Center 3600, GAU 3637 for further processing.

Telephone inquiries regarding this matter should be directed to the undersigned at (571) 272-3222.

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Office of Petitions